

**UNITED STATES DISTRICT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ADETOLU O. OYEWO, M.D.  
and ANYTIME EMERGENCY  
HEALTHCARE, LLC,

Plaintiffs,

v.

MAROON BELLS EMERGENCY  
PHYSICIANS, LLC, EASTSIDE  
MEDICAL CENTER, LLC, HCA  
HEALTH SERVICES OF GEORGIA,  
INC., and ENVISION HEALTHCARE  
CORPORATION,

Defendants.

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CIVIL ACTION FILE

NO. \_\_\_\_\_

**JURY TRIAL REQUESTED**

**COMPLAINT FOR DAMAGES**

COME NOW Adetolu O. Oyewo, M.D. and Anytime Emergency Healthcare, LLC, the Plaintiffs in the above-styled action and state their complaint for damages as set forth below:

Parties, Jurisdiction and Venue

1.

Adetolu O. Oyewo, M.D. (“Doctor Oyewo”) is a natural person residing within the State of Georgia and within the Northern District of Georgia, Atlanta Division.

2.

Anytime Emergency Healthcare, LLC (“Anytime”) is a Georgia limited liability company whose principal office and registered agent are located within the Northern District of Georgia, Atlanta Division.

3.

Maroon Bells Emergency Room Physicians, LLC (“Maroon Bells”) is a Georgia limited liability company whose principal office is located at 1A Burton Hills Boulevard, Nashville, Tennessee 37215. Maroon Bells’ registered agent is Corporation Service Company located at Suite 300, 40 Technology Parkway South, Norcross, Gwinnett County, Georgia 30092. Maroon Bells transacts business within the Northern District of Georgia, Atlanta Division and is subject to the jurisdiction of this Court.

4.

Eastside Medical Center, LLC (“Eastside”) is a Georgia limited liability company whose principal office is located at One Park Plaza, Nashville, Tennessee 37203. Eastside’s registered agent is C T Corporation System located at 289 South Culver Street, Lawrenceville, Gwinnett County, Georgia 30046. Eastside transacts business within the Northern District of Georgia, Atlanta Division and is subject to the jurisdiction of this Court.

5.

HCA Health Services of Georgia, Inc. (“HCA”) is a Georgia corporation whose principal office is located at One Park Plaza, Nashville, Tennessee 37203. HCA’s registered agent is C T Corporation System located at 289 South Culver Street, Lawrenceville, Gwinnett County, Georgia 30046. HCA transacts business within the Northern District of Georgia, Atlanta Division and is subject to the jurisdiction of this Court.

6.

Envision Healthcare Corporation (“Envision”) is a company whose principal office is located at 6200 South Syracuse Way, Greenwood Village, Colorado 80111. Envision transacts business within the Northern District of Georgia, Atlanta Division and is subject to the jurisdiction of this Court.

7.

Venue is proper in this district and division pursuant to 28 U.S.C. §1391 because Defendants conduct and transact business within the Northern District of Georgia.

8.

In addition, pursuant to 28 U.S.C. §1331(c)(1), this Court has diversity jurisdiction over this Complaint based upon the diversity of the parties.

9.

This is an action arising under the laws of the United States of America, in particular, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000E *et seq.*

Statement of Facts

10.

Plaintiffs incorporate by reference all preceding paragraphs of the Complaint.

11.

Dr. Oyewo was employed from a date on or about June 5, 2017, as an emergency room physician performing the majority of her medical services at Eastside Medical Center in Snellville, Georgia.

12.

The medical services provided by Dr. Oyewo at Eastside Medical Center are provided through her limited liability company, Anytime.

13.

Anytime provides for the services of Dr. Oyewo to Eastside Medical Center pursuant to an agreement between Anytime and Maroon Bells.

14.

In addition to services provided at Eastside Medical Center, Dr. Oyewo also occasionally provides emergency room physician services at Cartersville Medical Center in Cartersville, Georgia and Fairview Park Hospital in Dublin, Georgia.

15.

Dr. Oyewo is an African-American female who was born in Atlanta, Georgia, but who spent a considerable part of her early life in Nigeria.

16.

Since agreeing to provide services at Eastside Medical Center Dr. Oyewo has been treated differently than her colleagues based upon her race, accent and gender.

17.

Dr. Paul Laughlin (“Dr. Laughlin”), an emergency room doctor who was also employed at Eastside Medical Center has repeatedly made derogatory comments to Dr. Oyewo and about Dr. Oyewo.

18.

The comments made by Dr. Laughlin include him telling Dr. Oyewo several times that there are too many “Africans” or “foreigners” working in the emergency room and falsely accusing her of being a drug user.

19.

The work environment that Dr. Oyewo was subjected to was hostile and abusive.

20.

Dr. Oyewo was informed that Dr. Laughlin had made similar derogatory comments to other colleagues.

21.

Dr. Oyewo was informed by her colleagues that Eastside Medical Center and HCA had previously failed to take any action to reprimand Dr. Laughlin for such comments.

22.

In fact, although the derogatory comments made by Dr. Laughlin were widely known, there was no action by Eastside Medical Center or HCA to stop the offensive statements made to Dr. Oyewo and about Dr. Oyewo.

23.

On April 6, 2018, Dr. Oyewo complained about the statements made by Dr. Laughlin to Dr. Matthew J. Goldstein, Dr. Brad W. Hoover and Ms. Sabrina Griffin. Dr. Goldstein is medical director of the Eastside Medical Center emergency room, Dr. Hoover is Regional Medical Director with Envision and Ms. Griffin is the

Divisional Director of Clinical Services at Envision. A true and correct copy of Dr. Oyewo's Complaint is attached hereto as Exhibit "A."

24.

Instead of reprimanding Dr. Laughin, Defendants have taken punitive measures against Dr. Oyewo.

25.

In fact, following Dr. Oyewo's complaint, she was called into a meeting and was placed on probation.

26.

To the best of her knowledge, no action was taken against Dr. Laughlin.

### **COUNT ONE**

#### **Violation of Title VII of the Civil Rights Act of 1964**

27.

Plaintiffs incorporate by reference all preceding paragraphs of the Complaint.

28.

Defendants were notified of the derogatory and discriminatory treatment of Plaintiff(s) by Dr. Laughlin.

29.

Defendants' refusal to take action to stop the discriminatory treatment of Plaintiff(s) is a violation of Title VII of the Civil Rights Act.

30.

The actions of the Defendant(s) caused damages to Plaintiff(s) in an amount which will be proven with particularity upon trial of this matter.

## **COUNT TWO**

### **Retaliation**

31.

Plaintiffs incorporate by reference all preceding paragraphs of the Complaint.

32.

Defendants, or certain individual Defendants, placed Dr. Oyewo on probation following Dr. Oyewo's attempts to seek aid from the Defendants in order to stop the discriminatory actions of Dr. Laughlin.

33.

Defendants, or certain individual Defendants, retaliated against Plaintiff(s) for raising claims of discrimination against Defendant, or individual Defendant(s).

34.

The actions of the Defendants caused damages to Plaintiffs in an amount which will be proven with particularity upon trial of this matter.




**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand the following relief:

- a. Judgment against Defendants for an amount to be proven at trial;
- b. Attorney's fees and costs of litigation pursuant to 29 U.S.C. §216(b);
- c. Trial by jury; and
- d. Any and all such further relief that this Court or the finder of fact deems equitable and just.

Respectfully submitted this 27<sup>th</sup> day of December, 2018.

  
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Steven J. Strelzik  
State Bar of Georgia No. 687025  
Mary Trachian-Bradley  
State Bar of Georgia No. 774440

***Attorneys for Plaintiffs***

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**CERTIFICATE OF COMPLIANCE**

I certify that the documents to which this certificate is attached have been prepared with font and point selections approved by the Court in L.R. 5.1B for documents prepared by computer.

This 27<sup>th</sup> day of December, 2018.

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s/ Steven J. Strelzik  
Steven J. Strelzik  
Georgia Bar No. 687025  
Mary Trachian-Bradley  
Georgia Bar No. 774440

*Attorneys for Plaintiffs*